

ENTERED

October 01, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CAROLYN STONE,

Plaintiff,

v.

HARLEY MARINE SERVICES, INC.,
HARLEY MARINE GULF, LLC,
HARLEY CHANNELVIEW
PROPERTIES, LLC,

Defendants.

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Civil Action No. 4:19-CV-00413

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court are: (1) the September 6, 2023 Memorandum and Recommendation (“M&R”), (Dkt. No. 139), prepared by Magistrate Judge Peter Bray; and (2) the September 6, 2023 M&R, (Dkt. No. 141), prepared by Judge Bray. Judge Bray made findings and conclusions and recommended that Defendants’ Motion for Judgment on the Pleadings or, Alternatively, Motion for Summary Judgment—Plaintiff’s Claims Under Texas Property Code Chapter 202, (Dkt. No. 116), be granted and that Defendants’ Motion for Summary Judgment—Affirmative Defenses & Declaratory Judgment, (Dkt. No. 118), be denied.

The Parties were provided proper notice and the opportunity to object to the M&Rs. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

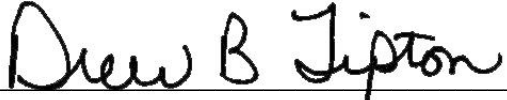
Accordingly, the Court accepts the M&Rs and adopts them as the opinions of the Court. It is therefore ordered that Judge Bray's M&Rs (Dkt. Nos. 139, 141) are **ACCEPTED** and **ADOPTED** in their entirety as the holding of the Court; and

- (1) Defendant's Motion for Judgment on the Pleadings or, Alternatively, Motion for Summary Judgment—Plaintiff's Claims Under Texas Property Code Chapter 202 (Dkt. No. 116) is **GRANTED**.
- (2) Defendants' Motion for Summary Judgment—Affirmative Defenses & Declaratory Judgment (Dkt. No. 118) is **DENIED**.

The Court has taken under advisement Plaintiff's objections, (Dkt. No. 142), to Judge Bray's M&R, (Dkt. No. 140).

It is SO ORDERED.

Signed on September 29, 2023.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE